

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO, ET
AL.,

Defendants.

No. 12-cv-2039 (GAG)

**JOINT MOTION REQUESTING MODIFICATION TO THE
AGENDA FOR THE MAY 22, 2017 PUBLIC HEARING IN PONCE**

COME NOW, Plaintiff, the United States of America, and Defendants, the Government of Puerto Rico, et al., (collectively, the Parties), and respectfully request a modification to the Amended Agenda for the Second Public Hearing on the Puerto Rico Police Reform in Ponce, Puerto Rico (Amended Agenda), issued by the Court on May 9, 2017. ECF No. 521; *see also* Nos. 509, 511.

As set forth more fully below, the Parties request a change to the order of deponents at the Second Public Hearing. The change would permit the Parties to open the Public Hearing to address principle matters in the Court's Amended Agenda, *to wit*, Law 20 of 2017 creating the Department of Public Safety, the Attorney General's views on police consent decrees, and the status of compliance during the capacity-building period. The Parties are primary sources of information for these matters, and the change will permit the Court to hear a full and direct of accounting of these matters at the outset. For cause, the Parties allege:

1. On April 19, 2017, the Court issued an agenda for the Second Public Hearing in Ponce that identified specific topics to be addressed by the deponents. ECF No. 509. The Court

issued the Amended Agenda on May 9, 2017, to reset the time allotments for each deponent and add the new Secretary for the Department of Public Safety to the agenda. ECF No. 521.

2. The Amended Agenda sets the order of deponents, with *amicus curiae* American Civil Liberties Union of Puerto Rico (ACLU-PR) and the Puerto Rico Civil Rights Commission (CRC) as the first deponents, followed by the Parties and the Technical Compliance Advisor (TCA). *Id.* at 2-4.
3. On May 11, 2017, the Parties held a conference call with Alfredo Castellanos, a constitutional attorney with the TCA's Office, who is the Court's point-of-contact for public hearings in this case. *See* Am. Order Setting Second Public Hearing at 2, ECF No. 500. The Parties reviewed the Amended Agenda with Mr. Castellanos and offered a change in the order of deponents. Mr. Castellanos advised the Parties that they should direct proposed changes to the agenda to the Court.
4. The Parties respectfully request a change to the order of deponents as set forth in the attached Schedule. The proposed schedule opens with the representatives of the Parties, followed by the ACLU-PR, CRC, and the TCA. It also provides a short, five-minute period to each Party at the conclusion of the hearing to address any outstanding issues or questions from the Court.
5. The proposed modification to the order of deponents ensures that the Court receives a full and direct accounting of all relevant issues. The modification also does not disrupt the proceedings because the start and end times for the hearing remain the same, as well as the time allotments for each deponent, which ensures that all deponents have ample opportunity to present their views. Finally, the proposed modification is consistent with

the non-adversarial nature of the proceedings because it permits a full airing of the issues from the deponents' various perspectives and avoids misunderstandings of the Parties' actions with respect to Law 20 of 2017, the United States' role in the enforcement of the Reform Agreement, and the status of compliance. The non-adversarial nature of the proceedings has been a hallmark of the public hearings in this case since their inception two years ago. *See, e.g.*, Order on First Quarterly Public Court Hearing Agenda and Guidelines of 4/7/15 at 2, ECF No. 214; Scheduling Order for Ponce Public Hearing on the Puerto Rico Police Reform of 10/14/15 at 5, ECF No. 266.

WHEREFORE, the Parties respectfully request that the Court modify the order of deponents for the Second Public Hearing in Ponce as set forth above.

Respectfully submitted, this 19th day of May, 2017,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Motion Requesting Modification to the Agenda for the May 22, 2017 Public Hearing in Ponce was filed electronically on this 19th day of May, 2017, with the Clerk of Court using the CM/ECF System, which will provide notice of such filing to all registered parties.

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